

CCRB INVESTIGATIVE RECOMMENDATION

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|---|--|-------------------------------------|--|---|--|
| Investigator: Rolando Vasquez | Team: Squad #3 | CCRB Case #: 202101004 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Friday, 02/12/2021 8:55 PM | Location of Incident: West 54th Street and 6th Avenue | Precinct: 18 | 18 Mo. SOL 8/12/2022 | EO SOL 8/12/2022 | |
| Date/Time CV Reported Sat, 02/13/2021 12:29 PM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Sat, 02/13/2021 12:29 PM | | |

| Complainant/Victim | Type | Home Address |
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| Witness(es) | Home Address |
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| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. Officers | | | |
| 2. CPT Julio Delgado | 00000 | 918927 | SRG 2 |
| 3. PO Anthony Buonomo | 09259 | 954579 | SRG 3 |
| 4. SGT Kandou Worley | 05477 | 945113 | SRG 1 |
| 5. PO Paul Olivares | 16326 | 959860 | SRG 3 |
| 6. SGT Thomas Manning | 00000 | 930644 | MTN PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-------------------------|-----------|--------|----------|
| 1. DC Timothy Beaudette | 00000 | 903414 | PBMS |
| 2. PO Kevin Thomas | 24437 | 942919 | BKLN CT |
| 3. PO Wendell Kornegay | 23426 | 900426 | SRG 3 |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|--|-----------------------------|
| A. PO Anthony Buonomo | Force: Police Officer Anthony Buonomo used physical force against § 87(2)(b) | |
| B. PO Paul Olivares | Force: Police Officer Paul Olivares used physical force against § 87(2)(b) | |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|--|-----------------------------|
| C.PO Anthony Buonomo | Discourtesy: Police Officer Anthony Buonomo spoke discourteously to § 87(2)(b) | |
| D.CPT Julio Delgado | Abuse: Captain Julio Delgado threatened to arrest individuals. | |
| E.SGT Kandou Worley | Force: Sergeant Kandou Worley used physical force against § 87(2)(b) | |
| F.SGT Thomas Manning | Force: Sergeant Thomas Manning used physical force against § 87(2)(b) | |
| G.SGT Thomas Manning | Force: Sergeant Thomas Manning used physical force against § 87(2)(b) | |
| H. Officers | Force: Officers used physical force against individuals. | |
| I.SGT Thomas Manning | Discourtesy: Sergeant Thomas Manning spoke discourteously to § 87(2)(b) | |
| J.SGT Thomas Manning | Force: Sergeant Thomas Manning used physical force against § 87(2)(b) | |
| K.CPT Julio Delgado | Force: Captain Julio Delgado used physical force against an individual. | |
| | § 87(2)(g), § 87(4-b) | |
| | | |
| | § 87(2)(g), § 87(4-b) | |

Case Summary

On February 13, 2021, an § 87(2)(b) reporting non-witness filed this complaint via the CCRB's website on behalf of unspecified individuals involved in a protest. The investigation identified § 87(2)(b) and § 87(2)(b) as alleged victims in this incident.

On February 12, 2021, starting at approximately 8:55 p.m., a group of protesters gathered at West 54th Street and 6th Avenue in Manhattan as part of a Black Lives Matter protest. PO Anthony Buonomo and PO Paul Olivares of the Strategic Response Group (SRG) performed a forcible takedown against § 87(2)(b) (**Allegation A: Force, Unsubstantiated; Allegation B: Force, Miscellaneous; § 87(2)(g)**). PO Buonomo spoke discourteously toward § 87(2)(b) (**Allegation C: Force, § 87(2)(g)**). Captain Julio Delgado of SRG, threatened to arrest individuals (**Allegation D: Abuse of Authority, Miscellaneous - § 87(2)(g)**). Sgt. Kandou Worley of SRG performed allegedly performed a forcible takedown against § 87(2)(b) (**Allegation E: Force, § 87(2)(g)**). Sgt. Manning allegedly pulled out § 87(2)(b)'s dreadlocks (**Allegation F: Force, § 87(2)(g)**). Sgt. Thomas Manning of the 18th Precinct pushed § 87(2)(b) (**Allegation G: Force, § 87(2)(g)**). Officers allegedly pushed individuals (**Allegation H: Force, § 87(2)(g)**). Sgt. Manning allegedly spoke discourteously toward § 87(2)(b) (**Allegation I: Discourtesy, § 87(2)(g)**). Sgt. Manning pushed § 87(2)(b) (**Allegation J: Force, § 87(2)(g)**). Captain Delgado allegedly pushed § 87(2)(b) (**Allegation K: Force, Miscellaneous - § 87(2)(g)**), § 87(2)(g), § 87(4-b)

§ 87(2)(b) was arrested for assaulting a police officer, assault, resisting arrest, obstructing governmental administration (OGA), unlawful possession of a noxious matter, unlawful possession of marijuana, and harassment. § 87(2)(b) was arrested for unlawful assembly. § 87(2)(b) was arrested for resisting arrest, OGA, and harassment (**Board Review 01**).

One-hundred-forty-eight body worn camera (BWC) videos were received from NYPD Legal (**Board Review 02-149**). Thirteen videos were received from the NYPD's Technical Assistance Response Unit (**Board Review 150-162**). Three cell phone videos were received from § 87(2)(b) (**Board Review 163-165**).

This complaint was added to the Agency's sensitive case list due to media coverage of the incident.

Findings and Recommendations

Allegation (A) Force: Police Officer Anthony Buonomo used physical force against § 87(2)(b)

Allegation (B) Force: Police Officer Paul Olivares used physical force against § 87(2)(b)

Allegation (C) Discourtesy: Police Officer Anthony Buonomo spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that he joined group of about 100 people who were marching throughout Manhattan (**Board Review 166**). § 87(2)(b) did not observe any protesters doing anything violent during the march. Eventually, the crowd stopped and started to gather at the intersection of 54th Street and 6th Avenue. A protester, identified via investigation as § 87(2)(b) became involved in a "heated" exchange with an officer, identified via investigation as PO Buonomo. § 87(2)(b) was angry and repeatedly said, "What are you going to do, and § 87(2)(b) did not remember more of what was said. § 87(2)(b) watched § 87(2)(b) and the officer for less than a minute. PO Buonomo reached toward § 87(2)(b) grabbed him by his chest with both hands, pulled him toward him, and brought him to the ground in the street, though § 87(2)(b) could not describe PO Buonomo's specific actions to bring § 87(2)(b) to the ground. Officers picked up § 87(2)(b) and walked him away from the area. § 87(2)(b) did not allege that discourteous language was used against § 87(2)(b). Allegation C is pled based on actions observed on BWC video.

§ 87(2)(b) was unavailable to the investigation and therefore could not be interviewed

(See IAs for contact attempts).

§ 87(2)(b) a protester who was at incident and who was identified via arrest records, testified that he saw § 87(2)(b) identified via investigation as § 87(2)(b) being pulled to the ground in the street and arrested. § 87(2)(b) did not remember anything that led up to him being arrested and could not describe how he was brought to the ground (**Board Review 167**).

A TRI report about the incident reports that § 87(2)(b) kicked PO Buonomo while he was establishing a police line with PO Olivares. § 87(2)(b) resisted arrest by “flailing” his arms and legs, and interlocking his hands underneath his body. § 87(2)(b) bit PO Olivares and kicked at officers. § 87(2)(b) refused medical attention. The report notes § 87(2)(b) sustained “Lacerations/Abrasion” and minor swelling (**Board Review 168**).

The encounter between PO Buonomo and § 87(2)(b) is captured in PO Buonomo’s BWC video starting at the 01:40 minute mark (**Board Review 24**). § 87(2)(b) (dressed in a black jacket with a hood over his head, a black mask, and dark pants), approaches the street where PO Buonomo is standing. A group of at least a dozen civilians is gathered at the corner in front of PO Buonomo. § 87(2)(b) points toward PO Buonomo and says, “We’re on the sidewalk.” PO Buonomo swats his hand toward § 87(2)(b) and says, “Get your finger out of my face.” § 87(2)(b) says, “You missed again, stupid.” § 87(2)(b) turns to another officer, points in their direction, and says, “I’m going to knock you the fuck out if you hit me with that. I swear to fucking God I’m going to punch you in your face.” At 02:05, § 87(2)(b) steps toward PO Buonomo and says, “I’ll punch you in your fucking face. I’m going to punch you in your face.” At 02:23, § 87(2)(b) says, “You’ll go home with a bloody fucking mouth, you don’t realize. Pussy.” § 87(2)(b) steps toward PO Buonomo and says, “Get the fuck off the sidewalk. We on the sidewalk.” PO Buonomo extends his arms in front of him and grabs § 87(2)(b). PO Buonomo says, “You fucking kick me? You kicked me, you fuck? Get over here. You’re under arrest.” PO Buonomo’s BWC appears to fall to the ground and the video ends.

The incident was also captured in the BWC video of PO Paul Olivares of SRG3 starting at 01:45 (**Board Review 43**). PO Olivares is standing behind PO Buonomo. At 02:30, PO Buonomo reaches toward § 87(2)(b). The video does not capture whether § 87(2)(b) kicked PO Buonomo. PO Buonomo pulls § 87(2)(b) toward PO Olivares. Starting at 02:41, PO Olivares and other officers huddle over § 87(2)(b) give him numerous commands to put his hands behind his back and to stop resisting. Several officers appear to grapple with § 87(2)(b) to gain control of his arms. No other force is depicted in the BWC video. § 87(2)(b) is picked up and walked away. None of the other video evidence captured the events leading up to § 87(2)(b)’s arrest.

PO Buonomo’s testimony was generally consistent with his BWC video (**Board Review 169**). PO Buonomo noted that § 87(2)(b) stood in front of him making various profane remarks toward him and other officers, and that he threatened to inflict physical harm on him and other officers. PO Buonomo was standing in the street with his left foot on the curb. § 87(2)(b) told PO Buonomo to take his foot off the curb and kicked PO Buonomo’s left foot. PO Buonomo reached out and grabbed § 87(2)(b) by the chest to place him under arrest for assault. § 87(2)(b) pulled his body away from PO Buonomo. PO Buonomo pulled § 87(2)(b) toward him and pulled him to the ground. PO Buonomo acknowledged using profanity toward § 87(2)(b) and said he did so as a knee-jerk reaction during the stressful encounter in response to § 87(2)(b) kicking him and threatening him. § 87(2)(b) resisted arrest on the ground by holding his arms underneath his body and biting PO Olivares. After § 87(2)(b) was handcuffed, PO Buonomo walked him to a police van. While walking him to the van, § 87(2)(b) kicked PO Buonomo’s legs causing both of them to fall. The TRI report and Line-of-Duty injury report for PO Buonomo note that he sustained left wrist pain and swelling, numbness and swelling to his left hand, swelling and abrasions to his left knee, and pain to his left foot (**Board Review 186-187**). Photos depicting the injuries to PO Buonomo’s hands and knee are attached to the TRI report.

PO Olivares testified that he was standing behind PO Buonomo while PO Buonomo had an encounter with § 87(2)(b) which PO Olivares did not remember in more detail (**Board Review**

Allegation (E) Force: Sergeant Kandou Worley used physical force against § 87(2)(b)

Allegation (F) Force: Sergeant Thomas Manning used physical force against § 87(2)(b)

§ 87(2)(b) testified that there was an unidentified woman standing on a mound of snow recording officers (**Board Review 166**). An officer ordered other officers to arrest the woman. Officers approached the woman. In response, protesters pulled the woman away from the street. An officer, identified via investigation as Sgt. Manning, reached toward a male protester, identified via investigation as § 87(2)(b), grabbed the ski mask he was wearing, and pulled it off. In the same motion, some of § 87(2)(b)'s hair, styled in dreadlocks, was pulled out. Three to four other officers who § 87(2)(b) could not describe because they were all dressed in blue uniforms with helmets, grabbed § 87(2)(b) by the jacket, pulled him toward them, and pulled him down to his knees before pulling him to the floor. § 87(2)(b) did not see what happened because he became involved in an incident with Sgt. Manning (described in the next section of this report).

§ 87(2)(b) was unavailable to the investigation and therefore could not be interviewed (See IAs for contact attempts).

The TRI report related to this aspect of the incident notes that § 87(2)(b) shoved Sgt. Worley in the torso while he was attempting to make an arrest. § 87(2)(b) resisted by pulling away while multiple people were also pulling him away from officers. Sgt. Worley was able to pull § 87(2)(b) to the ground where he resisted by folding his arms underneath his torso. According to the report, PO Damian § 87(2)(b) of SRG assisted with the arrest. No injuries to § 87(2)(b) or any officers are noted in the TRI report (**Board Review 175**).

Sgt. Worley's BWC video starting at the 01:50 minute mark, an officer next to Sgt. Worley directs officers, "Arrest her." Sgt. Worley approaches a crowd of people standing atop of and behind a mound of snow along the curb of the street. § 87(2)(b) (wearing a blue ski mask) first appears in the video at 02:11. Sgt. Manning enters from the right side of the frame at 02:17 and he reaches with his left hand toward § 87(2)(b). The video abruptly ends (Sgt. Worley noted that the BWC became dislodged from his chest due to the tumult). The video does not clearly capture the actions of Sgt. Worley or § 87(2)(b) (**Board Review 92**).

PO Thomas' BWC video, starting at the 12:55 minute mark, shows § 87(2)(b) run from the right side of the sidewalk (near the building) to the curb toward a crowd of people (**Board Review 15**). PO Thomas and other officers approach. § 87(2)(b) is briefly visible at the 13:12 minute mark. However, due to the number of officers and civilians in close proximity and the movements of PO Thomas, the video does not clearly depict specific actions taken by the individuals involved in this aspect of the incident. At 13:30, § 87(2)(b) appears to have been brought to the ground, but the video does not capture how this occurred.

Sgt. Manning did not have BWC video recordings of this aspect of the incident. His recording started after § 87(2)(b) had already been handcuffed and taken to a police van.

Cell phone video (from the start of the video), shows § 87(2)(b) (a black man with a beard and long hair, standing to the right of § 87(2)(b) wearing glasses), standing amongst a crowd of protesters and officers. Protesters standing behind § 87(2)(b) are pulling him backwards. Officers are reaching into the crowd toward § 87(2)(b) appears to be taken to the ground but this is obscured by the number of officers in the way of the recorder (**Board Review 164**).

Sgt. Worley testified that while posted in the street at the incident location, he observed an unidentified woman screaming at the top of her lungs cursing at officers (**Board Review 176**). The woman picked up snow from the ground which drew Sgt. Worley's attention because he was concerned she might throw the snow at officers. After a few moments, a supervisor, Sgt. Worley did not know who, instructed officers to arrest the woman. Sgt. Worley and other officers, he did not know who, approached the woman who was surrounded by a crowd of protesters. Sgt. Worley

§ 87(2)(g)

§ 87(2)(g)

Allegation (K) Force: Captain Julio Delgado used physical force against § 87(2)(b)

§ 87(2)(b) testified that Captain Delgado pushed an unidentified man who was wearing a yellow beanie with a camera affixed to the top. The protester fell (**Board Review 166**).

Captain Delgado's BWC does not capture him interacting with anyone resembling the description provided by § 87(2)(b) and does not capture him pushing anyone to the ground (**Board Review 57**).

As noted above, Captain Delgado has retired as a member of service. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (**Board Review 179-180**).

- § 87(2)(b), § 87(2)(a) CVR § 50-b

- § 87(2)(b), § 87(2)(a) CVR § 50-b
- § 87(2)(b), § 87(2)(a) CVR § 50-b
- PO Buonomo has been a member of service for eight years and has been as subject in five CCRB complaints involving nine allegations, four of which were substantiated.
 - 202005664 involved an allegation of physical force (push), which was substantiated. The Board recommended Command Discipline B and the NYPD imposed no penalty.
 - 202007667 involved one allegation each of refusal to provide shield number, discourtesy word, and offensive language. The Board substantiated the allegations and recommended Charges. The NYPD has not yet imposed discipline.

- § 87(2)(g) [REDACTED]
- PO Olivares had been a member of service for six years and had been a subject in two CCRB complaints involving two allegations, neither of which were substantiated. P § 87(2)(g) [REDACTED]
- Captain Delgado had been a member of service for 25 years and had been a subject in 13 CCRB complaints involving 29 allegations, one of which was substantiated.
 - 201904455 involved a substantiated seizure of property allegation. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - § 87(2)(g) [REDACTED]
- Sgt. Worley has been a member of the service for 14 years and has been a subject in six CCRB complaints involving nine allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Sgt. Manning has been a member of service for 19 years and has been a subject in nine CCRB complaints involving 27 allegations, one of which was substantiated.
 - 201810167 involved a substantiated entry allegation. The Board recommended Command Discipline A, and the NYPD imposed Command Discipline A.
 - § 87(2)(g) [REDACTED]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
 - As of March 14, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**Board Review 182**).
 - § 87(2)(b) [REDACTED]
 - § 87(2)(b) [REDACTED]
 - § 87(2)(b) [REDACTED]
- 185).**

Squad: 3

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|--------------------------------------|---------------------------|------------------|
| Squad Leader: <u>Rolando Vasquez</u> | <u>IM Rolando Vasquez</u> | <u>6/17/2022</u> |
| Signature | Print Title & Name | Date |

| | | |
|-----------------|--------------------|-------|
| Reviewer: _____ | _____ | _____ |
| Signature | Print Title & Name | Date |